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Message

OFFICIAL COMMUNICATION

RE: U.S. Application No. 09/965,983
Filing Date: SEPTEMBER 28, 2001
First Named Inventor: JOSEPH G. RADZIK
Art Unit: 3672
Examiner: COLLINS, G.

SUBMITTED PAPERS:

-CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8 FORM PTO/SB/97 (1 page)

-TRANSMITTAL FORM PTO/SB/21 (1 page)

-REPLACEMENT SUMMARY OF THE CLAIMED SUBJECT MATTER IN SUPPORT OF PREVIOUSLY FILED APPEAL BRIEF (8 pages)

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TRANSMITTAL FORM

Application Serial Number	09/965,983
Filing Date	SEPTEMBER 28, 2001
First Named Inventor	JOSEPH G. RADZIK
Group Art Unit	3672
Examiner Name	COLINS, G.
Attorney Docket No.	J4009:E (73434-010US)
Patent No.	Not applicable
Issue Date	Not applicable

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ENCLOSURES (check all that apply)

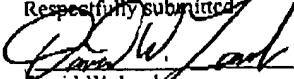
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PTO/SB/27 (06-04)

Approved for use through 07/31/2008. OMB 0651-0031

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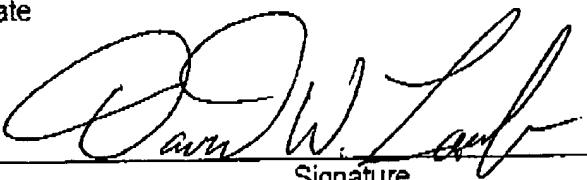
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IDENTIFIED SUBMITTED PAPERS RE: APPLN NO. 09/965,983:

-TRANSMITTAL FORM PTO/SB/21 (1 page)

-REPLACEMENT SUMMARY OF THE CLAIMED SUBJECT MATTER IN SUPPORT OF PREVIOUSLY FILED APPEAL BRIEF (8 pages)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the burden of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No.: 34009:E (AMENDED)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE AUG 10 2006
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of: Joseph G. RADZIK) Confirmation No.: 5169
Application No.: 09/965,983)
Filed: 28 September 2001) Group Art Unit: 3672
For: FERROUS PIPE COUPLINGS AND) Examiner: Collins, G.
PRELUBRICATED COUPLING GASKETS)

U.S. Patent and Trademark Office
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REPLACEMENT SUMMARY OF THE CLAIMED SUBJECT MATTER
IN SUPPORT OF PREVIOUSLY FILED APPEAL BRIEF

Sir:

In response to the Notification of Non-Compliant Appeal Brief issued July 10, 2006, submitted herewith, in accordance with MPEP Section 1205.03, is a replacement Summary of The Claimed Subject Matter Section in compliance with 37 CFR 41.37(c)(v). This replacement section replaces the original Summary of The Claimed Subject Matter Section in the appeal brief filed in connection with the above-identified matter on April 26, 2006.

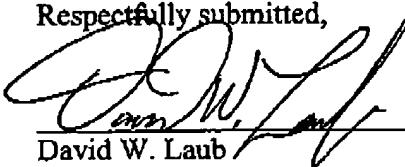
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PAGE 4/11 *RCVD AT 8/10/2006 1:55:22 PM [Eastern Daylight Time]* SVR:USPTO-EFXRF-3/21 * DNIS:2738300 * CSID:202 347 9481 * DURATION (mm:ss):03:32

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Application No: 09/965,983

No additional fees are believed to be due for filing this replacement section. The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,



David W. Laub
Attorney for Appellant
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Date: August 10, 2006

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I. SUMMARY OF THE CLAIMED SUBJECT MATTER

Appellant's invention is directed generally to a pipe coupling for coupling various pipe components of ferrous pipe systems. Appellant has innovated a pipe coupling in which the elastomeric gasket member employs a powder coating which allows the gasket to be lubricated, then packaged or supplied at any point prior to installation thereby making coupling installation easier and less messy as compared to coupling installations using previously known lubricants.

There are four independent claims pending and all four are involved in the appeal. Independent claim 1 recites a lubricated ferrous pipe coupling gasket comprising a generally tubular, one-piece, elastomeric member with first and second axial open ends, the member being formed by a circumferential wall and at least a pair of circumferential flanges. Each flange extends at least generally radially inwardly at a separate one of the first and second axial open ends of the member. The circumferential wall and the pair of circumferential flanges form at least one circumferential channel on an inner circumferential side of the member. Further according to claim 1, the gasket includes a powder coating that provides a dry lubricant on at least the inner circumferential side of the pair flanges of the member.

Independent claim 1 is supported by the application as originally filed for example, shown in FIG. 2 of the application as originally filed, is an exploded view of a joint 19 made by a ferrous pipe coupling 16. *See Appln. No. 09/965,983 as-filed at 4, lines 14-15, FIG. 2.* The ferrous pipe coupling 16 includes a gasket 30. *See id. at 4, lines 22-23.* The gasket 30 is preferably a generally tubular, one-piece, elastomeric member including a circumferential wall 32 and a pair of circumferential flanges 33 and 34 located generally at first and second open axial ends 35, 36. *See id. at 6, lines 1-3.* Flanges 33 and 34 each extend at least radially inwardly. *See id. at 6, line 4.* The circumferential wall 32 and the pair of flanges 33 and 34 also form a circumferential channel 38 on an inner circumferential side of the gasket 30. *See id. at 6, lines 4-6.* The gasket 30 is covered with a coating of dry cornstarch powder. *See id. page 6, line 21 to page 7, line 1.* While dry, powdered cornstarch is preferred, other dry, powdered organic starches such as rice starch and potato starch might alternatively be used. *See id. at 8, lines 17-18.* In addition, a powder predominantly or essentially composed of talc, i.e. magnesium silicate hydroxide ($Mg_3Si_4O_{10}(OH)_2$), which is the primary ingredient of conventional talcum powder, or

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that powder itself might be used as a dry lubricant. *See id.* at 8, lines 18-21. Corn, rice and potato starches, being natural ingredients derived from crops, can, with other similar naturally derived starches, be referred to generically as organic starch powder. *See id.* page 8, line 21 to page 9, line 1. The lubricant can include as a primarily component, one of the aforementioned individual materials in combination with lesser amount(s) of the other(s). *See id.* at 9, lines 1-2.

Independent claim 5 recites a ferrous pipe coupling comprising a ferrous collar having an outer, axially extending, axially split circumferential wall with at least one pair of adjoining circumferential ends at the split. In addition, the coupling of independent claim 5 includes at least one fastener releasably securing together the at least one pair of adjoining, circumferential ends of the collar. Independent claim 5 recites that the coupling further comprises a gasket in the form of a generally tubular, one-piece elastomeric member positioned in the collar and having an exposed inner circumferential side exposed in the collar, the inner circumferential side having at least one flange that forms a seal with a pipe. Independent claim 5 further recites that the coupling includes a powder coating that provides a dry lubricant on at least the exposed, inner circumferential side of the elastomeric member.

Independent claim 5 is supported by the application as originally filed. For example, again referring to FIG. 2 of the application as originally filed, shown is a joint 19 made between a first piping component, pipe length 14, and a second piping component, Tee fitting 15, by one of the ferrous couplings 16. *See Appln. No. 09/965,983 as-filed at 4, lines 14-16, FIG. 2.* Ferrous pipe coupling 16 includes a split ring ferrous collar (indicated generally at 20 in FIG. 1) preferably formed by a plurality of identical ring segments 22, which are releasably secured together end to end at pairs of adjoining circumferential ends by suitable and conventional means, in this case each fastener 29 (FIG. 1). *See id.* at 4, line 16-19, FIG 2. The split ring ferrous collar 20 has an outer axially extending, split circumferential wall 24 forming a channel 28. *See id.* at 5, lines 10-15. The ferrous pipe coupling 16 further includes a gasket 30 in the form of a generally tubular, one-piece, elastomeric member positioned in the channel 28. *See id.* at 4, lines 22-23; at 5 lines 15-16. The gasket 30 is preferably a member including circumferential wall 32 and a pair of circumferential flanges 33 and 34 located generally at first and second open axial ends 35, 36, respectively, of the circumferential wall 32 and of the gasket 30. *See id.* at 6, lines 1-4. Flanges 33 and 34 each extend generally radially inward. *See id.* at 6,

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line 4. The circumferential wall 32 and the pair of flanges 33, 34 form a circumferential channel 38 on an inner circumferential side of the gasket 30. *See id.* at 6, lines 4-6. In use the gasket 20 is stretched over the end 14a or 15a of one of the piping components 14, 15. *See id.* at 6, lines 11-12. The stretched gasket 30 forms seals with both ends 14a, 15a of the components 14, 15 being joined. *See id.* at 6, lines 14-15. The gasket 30 is covered with a coating of dry cornstarch powder. *See id.* page 6, line 21 to page 7, line 1. While dry, powdered cornstarch is preferred, other dry, powdered organic starches such as rice starch and potato starch might alternatively be used. *See id.* at 8, lines 17-18. In addition, a powder predominantly or essentially composed of talc, i.e. magnesium silicate hydroxide ($Mg_3Si_4O_{10}(OH)_2$), which is the primary ingredient of conventional talcum powder, or that powder itself might be used as a dry lubricant. *See id.* at 8, lines 18-21. Corn, rice and potato starches, being natural ingredients derived from crops, can, with other similar naturally derived starches, be referred to generically as organic starch powder. *See id.* page 8, line 21 to page 9, line 1. The lubricant can include as a primarily component, one of the aforementioned individual materials in combination with lesser amount(s) of the other(s). *See id.* at 9, lines 1-2.

Independent claim 10 recites a ferrous piping system comprising a plurality of ferrous piping components and at least one ferrous pipe coupling mechanically and fluidly joining together ends of a pair of the piping components at a joint. Further according to independent claim 10, the ferrous pipe coupling includes a ferrous collar having an outer, axially extending and axially split, circumferential wall and at least one pair of adjoining circumferential ends at the split. The coupling further includes a gasket in the form of a generally tubular, one-piece elastomeric member having an inner circumferential side, the inner circumferential side including at least sealingly mounted on the ends of the pair of piping components and surrounded by the collar. Independent claim 10 further recites that the coupling further includes a powder coating that provides a dry lubricant at least between the at least one flange of the inner circumferential side of the gasket and the ends of the pair of piping components, and at least one fastener releasably securing together a pair of adjoining, circumferential ends of the collar so as to compress the gasket and the collar on the ends of the pair of piping components.

Independent claim 10 is supported by the application as originally filed. For example, again referring to FIG. 2 of the application as originally filed, shown is a joint 19 made between

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a first piping component, pipe length 14, and a second piping component, Tee fitting 15, by one of the ferrous couplings 16. *See Appln. No. 09/965,983 as-filed at 4, lines 14-16, FIG. 2.* Ferrous pipe coupling 16 includes a split ring ferrous collar (indicated generally at 20 in FIG. 1) preferably formed by a plurality of identical ring segments 22, which are releasably secured together end to end at pairs of adjoining circumferential ends. *See id. at 4, line 16-18, FIG. 2.* The split ring ferrous collar 20 has an outer axially extending, split circumferential wall 24. *See id. at 5, lines 10-11, FIG. 2.* The ferrous pipe coupling 16 further includes a gasket 30 in the form of a generally tubular, one-piece, elastomeric member. *See id. at 4, lines 22-23.* The gasket 30 is preferably a member including circumferential wall 32 and a pair of circumferential flanges 33 and 34 located generally at first and second open axial ends 35, 36, respectively, of the circumferential wall 32 and of the gasket 30. *See id. at 6, lines 1-4.* Flanges 33 and 34 each extend generally radially inward. *See id. at 6, line 4.* The circumferential wall 32 and the pair of flanges 33, 34 form a circumferential channel 38 on an inner circumferential side of the gasket 30. *See id. at 6, lines 4-6.* In use the gasket 20 is stretched over the end 14a or 15a of one of the piping components 14, 15. *See id. at 6, lines 11-12.* The stretched gasket 30 forms seals with both ends 14a, 15a of the components 14, 15 being joined. *See id. at 6, lines 14-15.* The split ring ferrous collar 20 is then extended over the and around the gasket 30. *See id. at 6, lines 13.* The gasket 30 is covered with a coating of dry cornstarch powder. *See id. page 6, line 21 to page 7, line 1.* While dry, powdered cornstarch is preferred, other dry, powdered organic starches such as rice starch and potato starch might alternatively be used. *See id. at 8, lines 17-18.* In addition, a powder predominantly or essentially composed of talc, i.e. magnesium silicate hydroxide ($Mg_3Si_4O_{10}(OH)_2$), which is the primary ingredient of conventional talcum powder, or that powder itself might be used as a dry lubricant. *See id. at 8, lines 18-21.* Corn, rice and potato starches, being natural ingredients derived from crops, can, with other similar naturally derived starches, be referred to generically as organic starch powder. *See id. page 8, line 21 to page 9, line 1.* The lubricant can include as a primarily component, one of the aforementioned individual materials in combination with lesser amount(s) of the other(s). *See id. at 9, lines 1-2.* The circumferential ends of the identical ring segments of ferrous collar 20 are releasably secured together end to end by suitable and conventional means, in this case each fastener 29 (FIG. 1). *See id. at 4, lines 16-19.*

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The fourth independent claim, claim 16, recites that in a ferrous pipe coupling including a generally tubular, one-piece, elastomeric gasket having at least one flange, a ferrous collar surrounding the gasket, the collar including at least one axial split defining a pair of adjoining circumferential ends, and a fastener releasably securing together the adjoining circumferential ends of the collar, the improvement including a powder coating that provides a dry lubricant on at least an inner circumferential side of the at least one flange of the gasket that forms a seal with a ferrous pipe.

Independent claim 16 is supported by the application as originally filed. For example, again referring to FIG. 2 of the application as originally filed, shown is a joint 19 made between a first piping component, pipe length 14, and a second piping component, Tee fitting 15, by one of the ferrous couplings 16. *See Appln. No. 09/965,983 as-filed at 4, lines 14-16, FIG. 2.* The ferrous pipe coupling 16 includes a gasket 30. *See id. at 4, lines 22-23.* The gasket 30 is preferably a member including circumferential wall 32 and a pair of circumferential flanges 33 and 34 located generally at first and second open axial ends 35, 36, respectively, of the circumferential wall 32 and of the gasket 30. *See id. at 6, lines 1-4.* Flanges 33 and 34 each extend generally radially inward. *See id. at 6, line 4.* The circumferential wall 32 and the pair of flanges 33, 34 form a circumferential channel 38 on an inner circumferential side of the gasket 30. *See id. at 6, lines 4-6.* Ferrous pipe coupling 16 includes a split ring ferrous collar (indicated generally at 20 in FIG. 1) preferably formed by a plurality of identical ring segments 22, which are releasably secured together end to end at pairs of adjoining circumferential ends. *See id. at 4, line 16-18, FIG. 2.* The circumferential ends of the identical ring segments of ferrous collar 20 are releasably secured together end to end by suitable and conventional means, in this case each fastener 29 (FIG. 1). *See id. at 4, lines 16-19.* The split ring ferrous collar 20 has an outer axially extending, split circumferential wall 24. *See id. at 5, lines 10-11, FIG. 2.* In use, the gasket 20 is stretched over the end 14a or 15a of one of the piping components 14, 15. *See id. at 6, lines 11-12.* The stretched gasket 30 forms seals with both ends 14a, 15a of the components 14, 15 being joined. *See id. at 6, lines 14-15.* The split ring ferrous collar 20 is then extended over the and around the gasket 30. *See id. at 6, lines 13.* According to the present invention, the gasket 30 or at least the inner circumferential side of the gasket 30, which is exposed to and which directly contacts the ends 14a, 15a of the joined piping components 14, 15 is covered with

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a coating of dry cornstarch powder. *See id.* page 6, line 21 to page 7, line 1. While dry, powdered cornstarch is preferred, other dry, powdered organic starches such as rice starch and potato starch might alternatively be used. *See id.* at 8, lines 17-18. In addition, a powder predominantly or essentially composed of talc, i.e. magnesium silicate hydroxide ($Mg_3Si_4O_{10}(OH)_2$), which is the primary ingredient of conventional talcum powder, or that powder itself might be used as a dry lubricant. *See id.* at 8, lines 18-21. Corn, rice and potato starches, being natural ingredients derived from crops, can, with other similar naturally derived starches, be referred to generically as organic starch powder. *See id.* page 8, line 21 to page 9, line 1. The lubricant can include as a primarily component, one of the aforementioned individual materials in combination with lesser amount(s) of the other(s). *See id.* at 9, lines 1-2.